

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

League of Women Voters of Minnesota
Education Fund and Vivian Latimer
Tanniehill,

File No. 20-cv-1205 (ECT/TNL)

Plaintiffs,

ORDER

v.

Steve Simon, in his official capacity as
Secretary of State of Minnesota,

Defendant.

The Parties have filed a stipulation and proposed partial consent judgment and decree. ECF No. 24. “Approval of a consent decree requires careful court scrutiny.” *Ibarra v. Texas Emp’t Comm’n*, 823 F.2d 873, 878 (5th Cir. 1987). “Even though the [proposed] decree is predicated on consent of the parties,” *United States v. City of Miami*, 664 F.2d 435, 440–41 (5th Cir. 1981) (Rubin, J., concurring), a district court may not “mechanistically ‘rubber stamp’ the consent decree,” but rather must “consider the underlying facts and legal arguments” that support or undermine the proposal, *United States v. BP Amoco Oil PLC*, 277 F.3d 1012, 1019 (8th Cir. 2002). The consent decree must be found to “spring from and serve to resolve a dispute within the court’s subject-matter jurisdiction, . . . come within the general scope of the case made by the pleadings, . . . and must further the objectives of the law upon which the complaint was based.” *Local No. 93, Int’l Ass’n of Firefighters v. City of Cleveland*, 478 U.S. 501, 525 (1986) (internal citations, quotations, and alterations omitted). Furthermore, the proposed

decree must be “examine[d] carefully to ascertain not only that it is a fair settlement but also that it does not put the court’s sanction on and power behind a decree that violates Constitution, statute, or jurisprudence.” *City of Miami*, 664 F.2d at 441; *see also, e.g., Illinois v. City of Chicago*, 912 F.3d 979, 987 (7th Cir. 2019); *Smyth v. Rivero*, 282 F.3d 268, 280 (4th Cir. 2002); *United States v. Oregon*, 913 F.2d 576, 581–82 (9th Cir. 1990) *Williams v. Vukovich*, 720 F.2d 909, 920 (6th Cir. 1983). “If the decree also affects third parties, the court must be satisfied that the effect on them is neither unreasonable nor proscribed.” *City of Miami*, 664 F.2d at 441 (footnote omitted); *see also, e.g., Bass v. Fed. Sav. & Loan Ins. Corp.*, 698 F.2d 328, 330 (7th Cir. 1983). Accordingly, a fairness hearing regarding the stipulation and proposed partial consent judgment and decree will be held on Thursday, June 18, 2020, at 11:00 a.m. by videoconference. Instructions for joining the videoconference will be sent to counsel separately.

SO ORDERED.

Date: June 16, 2020

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court